

- (c) dengan menggantikan perkataan-perkataan "by Her Majesty in Council" dalam perenggan (a) takrif "country to which the Safety Convention applies" dengan perkataan-perkataan "under section 306A";
- (d) dengan menggantikan perkataan-perkataan "the federation" dan "home-trade ships" dalam takrif "foreign going ship" dengan perkataan-perkataan "Malaysia" dan "near-coastal trade ships" masing-masingnya;
- (e) dengan memotong takrif-takrif "home-trade ship", "home-trade passenger steamer", "home-trade voyage", "local-trade voyage", "local trade ship" dan "local trade passenger steamer";
- (f) dengan memasukkan, selepas sahaja takrif "native sailing ship", takrif-takrif baru yang berikut:
- ' "near-coastal trade passenger steamer" means every near-coastal trade ship which is a passenger steamer;
- "near-coastal trade ship" means a ship plying solely upon a near-coastal trade voyage;
- "near-coastal trade voyage" means a voyage within such limits as may be defined by the Minister by rules made under this definition;'; dan
- (g) dengan menggantikan takrif "Safety Convention" dengan yang berikut:
- ' "Safety Convention" means the International Convention for the Safety of Life at Sea signed in London on the 1st November 1974; and if any amendment of the Safety Convention comes into force with respect to Malaysia, references in this Ordinance to the Safety Convention shall, unless the context otherwise requires, be construed as references to the Safety Convention as amended;'

3. Seksyen 10 Ordinan itu adalah dipinda—

Pindaan
seksyen 10.

(a) dengan memotong perkataan-perkataan ", either generally or for special purposes and on special occasions," dalam subseksyen (1);

(b) dengan memasukkan, selepas sahaja subseksyen (2), subseksyen (2A) baru yang berikut:

"(2A) The Minister may appoint, for special purposes and on special occasions, any person, whether or not a citizen of Malaysia, to perform any specific functions of a Surveyor of Ships or a Radio Surveyor under this Ordinance at any place, whether within or outside Malaysia; and in connection with the performance of those functions such a person shall be deemed for the purposes of this Ordinance to be a Surveyor of Ships or a Radio Surveyor, as the case may be, appointed under subsection (1)."; dan

(c) dengan menggantikan perkataan "persons" dalam subseksyen (4) dengan perkataan-perkataan "public officers".

4. Seksyen 18 Ordinan itu adalah dipinda—

Pindaan
seksyen 18.

(a) dengan memasukkan, selepas sahaja perkataan "yellow" dan perkataan "black" dalam perenggan (a) subseksyen (1), perkataan-perkataan "Roman capital";

(b) dengan menggantikan koma bertitik di hujung perenggan (a) subseksyen (1) dengan noktah bertindih dan memasukkan proviso yang berikut kepada perenggan itu:

"Provided that the use of any script in addition to the Roman capital letters for the name of the ship may be approved by the Registrar General upon such terms and conditions as he may deem fit to impose;"; dan

(c) dengan memasukkan, selepas sahaja subseksyen (2), subseksyen (2A) baru yang berikut:

"(2A) The Registrar General may require that the proposed name for a ship intended to be

registered under this Part be submitted to him for his approval and he may for this purpose prescribe such form as he thinks fit."

Pindaan
seksyen 69.

5. Seksyen 69 Ordinan itu adalah dipinda—

- (a) dengan menggantikan perkataan-perkataan "British and Malayan" dalam baris kelima subseksyen (2) dengan perkataan "Malaysian";
- (b) dengan memotong perkataan-perkataan "agreements with Asian seamen who are British subjects or who are citizens," dan "within the Federation" dalam perenggan (a) subseksyen (2);
- (c) dengan memotong semua perkataan dalam perenggan (b) subseksyen (2) yang terdapat selepas perkataan-perkataan "every sea-going ship";
- (d) dengan menggantikan perkataan-perkataan "sea-going ships" dalam perenggan (c) subseksyen (2) dengan perkataan-perkataan "every sea-going ship" dan memotong semua perkataan dalam perenggan itu yang terdapat selepas perkataan-perkataan itu;
- (e) dengan menggantikan perkataan-perkataan "or going between any port in" dalam perenggan (d) subseksyen (2) dengan perkataan-perkataan "exclusively within" dan memotong semua perkataan dalam perenggan itu yang terdapat selepas perkataan-perkataan itu; dan
- (f) dengan menggantikan perkataan-perkataan "British or Malayan" dalam subseksyen (3) dengan perkataan "Malaysian" dan memotong perkataan-perkataan "under the Merchant Shipping Acts or" dalam subseksyen itu.

Pemotongan
seksyen 71
hingga 87.

6. Ordinan itu adalah dipinda dengan memotong seksyen 71 hingga 87 dan tajuk *Certificates of Competency* bagi seksyen-seksyen itu.

7. Ordinan itu adalah dipinda dengan memasukkan, selepas sahajaseksyen70, tajukdanseksyenbaru71 yang seksyen baru71 - berikut:

Qualifications and Manning

Rules relating to qualifications of officers and seamen, the manning of ships, etc.

71. The Minister may make such rules as he considers necessary or expedient to provide for the qualifications of officers and seamen of, and the manning requirements for, ships and for matters connected therewith, and without prejudice to the generality of such powers, may make rules providing for—

- (a) requiring officers and seamen and other persons performing prescribed functions in relation to the operation and maintenance of ships to be holders of certificates of competency, efficiency or authorisation or letters of proficiency or otherwise and to satisfy such other conditions as may be prescribed, and providing for the grant, revocation, extension, validation, suspension, endorsement, grading or variation of such certificates;
- (b) the holding and conduct of examinations for such certificates, the qualifications of applicants for such examinations and the qualifications, appointment, removal, reappointment and remuneration of a board of examiners, and all such matters as the Minister considers necessary or expedient for the purpose of such examinations;
- (c) the issue, form and recording of certificates of competency, efficiency or authorisation or letters of proficiency and other documents;
- (d) the exemption of persons with prescribed qualifications or experience from the whole or parts of examinations for such certificates;

- (e) the recognition, subject to such conditions as may be prescribed, of specified certificates of competency or proficiency issued by other countries, the declaration that such certificates shall have the same force and effect as if they had been granted in Malaysia, and the application to such certificates of all or any of the provisions and regulations relating to certificates of competency, efficiency or authorisation issued in Malaysia;
- (f) the exemption of holders of certificates of competency or proficiency issued in other specified countries from all or such part or parts as may be prescribed of the examinations for corresponding Malaysian certificates of competency or proficiency;
- (g) the manning requirements in relation to different classes and types of ships, including the minimum number and grades of certified or qualified officers and seamen, if necessary according to nationalities, to be carried on such classes and types of ships, and the exemption by the Director of Marine of any ship or class or type of ships from any of such requirements;
- (h) the production and admissibility in evidence of certificates and such other documents as may be prescribed;
- (i) the refusal of port clearance or the detention of any ship on failure to comply with the provisions of any rules made under this section;
- (j) the standards of health and vision for, and the issue of certificates of medical fitness to, officers and seamen and other persons

performing prescribed functions in relation to the operation and maintenance of ships;

- (k) the fees to be paid for anything to be done or permitted to be done under the rules;
- (l) penalties for the contravention of the provision of any rules made under this section of a fine not exceeding ten thousand ringgit or imprisonment for a term not exceeding two years or both."

8. Seksyen 98 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "home-trade or local-trade" dalam subseksyen (2) dengan perkataan-perkataan "near-coastal trade". Pindaan seksyen 98.

9. Seksyen 101 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "home-trade or local-trade" dengan perkataan-perkataan "near-coastal trade". Pindaan seksyen 101.

10. Seksyen 104 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "home-trade ship or local-trade ship" dalam subseksyen (1) dan perkataan-perkataan "home-trade or local-trade" dalam nota birai dengan, masing-masingnya, perkataan-perkataan "near-coastal trade ship" dan perkataan-perkataan "near-coastal trade". Pindaan seksyen 104.

11. Seksyen 113 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "foreign-going, home-trade or local-trade" dalam subseksyen (1) dengan perkataan-perkataan "foreign-going or near-coastal trade". Pindaan seksyen 113.

12. Seksyen 123 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "home-trade or local-trade" dalam subseksyen (1) dengan perkataan-perkataan "near-coastal trade". Pindaan seksyen 123.

13. Seksyen 168 Ordinan itu adalah dipinda— Pindaan seksyen 168.

- (a) dengan menggantikan perkataan-perkataan "home-trade ship or a local-trade ship" dalam

subseksyen (1) dengan perkataan-perkataan "near-coastal trade ship"; dan

(b) dengan menggantikan perkataan-perkataan "home-trade ship nor a local trade ship" dalam subseksyen (2) dengan perkataan-perkataan "near-coastal trade ship".

Pindaan seksyen 198. 14. Seksyen 198 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "local-trade" dalam subseksyen (1) dengan perkataan-perkataan "near-coastal trade".

Pindaan seksyen 208. 15. Seksyen 208 Ordinan itu adalah dipinda dengan memotong subseksyen (6).

Pindaan seksyen 223. 16. Seksyen 223 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "home-trade or local trade" dalam subseksyen (2) dengan perkataan-perkataan "near-coastal trade".

Pindaan seksyen 236. 17. Seksyen 236 Ordinan itu adalah dipinda—

(a) dengan memasukkan, selepas sahaja perkataan-perkataan "on board" dalam subseksyen (1), perkataan-perkataan ", or if there has been received on board of any passenger steamer,"; dan

(b) dengan menggantikan perkataan-perkataan "twenty-five" dan "one week" dalam subseksyen (1) masing-masingnya dengan perkataan-perkataan "three hundred" dan "one month".

Pindaan seksyen 244. 18. Seksyen 244 Ordinan itu adalah dipinda—

(a) dengan memasukkan, selepas sahaja perkataan "Federation" dalam perenggan (k) subseksyen (1), perkataan-perkataan "and the fees to be paid in respect of the embarkation or discharge of passengers"; dan

(b) dengan menggantikan subseksyen (2) dengan yang berikut:

"(2) The Minister, in making a rule under this section, may direct that any person who commits

a breach of it shall be liable to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both."

19. Seksyen 245 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "local-trade" dengan perkataan-perkataan "near-coastal trade". Pindaan seksyen 245.
20. Ordinan itu adalah dipinda dengan menggantikan tajuk bagi seksyen 256A hingga 264 dengan tajuk "*Construction, Life-saving Appliances and Equipmenf*". Penggantian tajuk bagi seksyen 256A hingga 264.
21. Seksyen 256A Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja perkataan-perkataan "and machinery of" di setiap tempat di mana ia terdapat dalam subseksyen (1). perkataan-perkataan "and the fuel used in". Pindaan seksyen 256A
22. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja seksyen 256A, seksyen baru 256B yang Seksyen baru 256n.

"Cargo ship construction and survey rules.

256B. (1) The Minister may make rules (in this Ordinance referred to as "cargo ship construction and survey rules") prescribing requirements for the hull, equipment and machinery of and the fuel used in ships to which this section applies and requiring any such ships which are registered in Malaysia to be surveyed to such extent, in such manner and at such intervals as may be prescribed by the rules.

(2) The said rules shall include such requirements as appear to the Minister to implement the provisions of the Safety Convention relating to the hull, equipment and machinery of and the fuel used in such ships, except so far as those provisions are implemented by any other rules or regulations made under this Ordinance.

(3) The said rules—

(a) may provide for any surveys under the rules to be undertaken by persons

appointed by such organisations as may be specified in the rules;

(b) may make modifications to sections 209(2), 211 and 213 in their application by virtue of section 271(1) in relation to surveys under the rules undertaken by such persons;

(c) may prescribe the fees that shall be paid in respect of surveys carried out under the rules; and

(d) may, in the case of surveys carried out by persons appointed by organisations specified in the rules, provide for fees to be payable to those persons or organisations.

(4) This section applies to—

(a) sea-going ships of not less than five hundred tons gross tonnage; and

(b) sea-going ships of not less than such lower tonnage and of such description as the Minister may by order specify,

other than passenger steamers, troopships, pleasure yachts, fishing vessels and ships not propelled by mechanical means; except that it applies to ships not registered in Malaysia only while they are within a port in Malaysia and are not exempted from the cargo ship construction and survey rules.

(5) In relation to surveys required by the cargo ship construction and survey rules which are carried out otherwise than by a Surveyor of Ships, the definition of "declaration of survey" in section 2 shall not apply.

(6) If the cargo ship construction and survey rules are contravened in any respect in relation to a ship, the owner or master of the ship shall be liable on conviction to a fine not exceeding ten thousand ringgit.

(7) A Surveyor of Ships may inspect any ship for the purpose of seeing that she complies with the provisions of the cargo ship construction and survey rules (other than those relating to survey) and for that purpose shall have all the powers of the Surveyor-General of Ships under this Ordinance; and if he finds that the ship fails to comply with those provisions he shall give to the owner or master notice in writing stating in what respect she fails to comply with them and what in his opinion is requisite to remedy the failure.

(8) A port clearance shall not be granted to the ship; and the ship shall be detained until a certificate under the hand of a Surveyor of Ships is produced to the effect that the failure has been remedied."

23. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja seksyen 268, seksyen baru 268A yang berikut: Seksyen baru 268A.

"Cargo ship safety construction certificates and exemption certificates. 268A. (1) If the Surveyor-General of Ships or such person as he may authorise for the purpose is satisfied, on receipt of declarations of survey in respect of a ship to which section 256B applies and which is registered in Malaysia, that the ship complies with the cargo ship construction and survey rules applicable to the ship and such voyages as she is to be engaged on he shall, on the application of the owner, issue in respect of the ship—

- (a) if the ship is of not less than five hundred tons gross tonnage and is to be engaged on international voyages, a certificate in the form prescribed by the Safety Convention;
- (b) in any other case, a certificate showing that she complies with the said rules,

and any such certificate is in this Ordinance referred to as a "cargo ship safety construction certificate".

(2) If the Surveyor-General of Ships, on receipt of declarations of survey in respect of such a ship, is satisfied that the ship is exempt, by virtue of any exercise by him of a power conferred on him by section 282 or the cargo ship construction and survey rules, from any of the requirements of those rules applicable to the ship and to such voyages as she is to be engaged on, and that she complies with the rest of those requirements, he shall, on the application of the owner, issue in respect of the ship—

(a) if she is of not less than five hundred tons gross tonnage and is to be engaged on international voyages—

(i) an exemption certificate stating which of the requirements of the Safety Convention, being requirements implemented by the rules and applicable as aforesaid, the ship is exempt from and that the exemption is conditional on the ship's plying on the voyages and complying with the other conditions (if any) specified in the certificate; and

(ii) a certificate showing that the ship complies with the rest of those requirements;

(b) in any other case, a certificate showing that the ship complies with such of the requirements of the cargo ship construction and survey rules applicable to the ship and to the voyages she is to be engaged on as she is not exempt from,

and any certificate issued under paragraph (a)(ii) or paragraph (b) of this subsection is in this Ordinance referred to as a "qualified cargo ship safety construction certificate".

(3) A certificate issued under this section, other than an exemption certificate issued under subsection (2)(a)(i), shall remain in force for five years or such shorter period as may be specified therein, but without prejudice to the power of the Surveyor-General of Ships to cancel it; and an exemption certificate issued under subsection (2)(a)(i) shall remain in force for the same period as the corresponding qualified cargo ship safety construction certificate.

(4) Where a certificate under this section is in force in respect of a ship and the certificate was issued for a shorter period than is allowed under the foregoing provisions of this section, the Surveyor-General of Ships or any person authorised by him for the purpose may, if satisfied on receipt of declarations of survey in respect of the ship that it is proper to do so, grant an extension of the certificate for a period not exceeding one year, and not exceeding, together with the period for which it was issued and any period by which it has been previously extended under this subsection, the longest period for which it could have been issued under this section.

(5) In relation to a certificate issued or an extension granted under this section by a person authorised by the Surveyor-General of Ships—

(a) the provisions applied by section 271(7) (which relate to the transmission, cancellation, surrender, posting-up and falsification of certificates issued by the Surveyor-General of Ships); and

(b) section 271(10) (which relates to fees),

shall apply as they apply in relation to certificates issued by the Surveyor-General of Ships, but in making rules under section 271 (10),

the Minister may provide for fees to be payable to the authorised person,".

Pindaan
seksyen 269.

24. Seksyen 269 Ordinan itu adalah dipinda—

(a) dengan menggantikan perkataan-perkataan "five hundred" dalam subseksyen (3) dengan perkataan-perkataan "five thousand"; dan

(b) dengan menggantikan perkataan "Minister" dalam subseksyen (4) dengan perkataan-perkataan "Surveyor-General of Ships".

Seksyen
baru 269A.

25. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja seksyen 269, seksyen baru 269A yang berikut:

"Notice of alterations and additional surveys in relation to cargo ships.

269A. (1) The duty of the owner or master of a ship under subsection (2) of section 269 to notify alterations shall extend, in relation to any ship in respect of which any certificate under section 268A is in force, to the hull, machinery and any equipment other than that mentioned in that subsection, but may, if the certificate was issued by a person authorised under that section, be discharged by notifying him instead of the Surveyor-General of Ships.

(2) Subsection (4) of section 269 shall have effect, in relation to any such ship, as if—

(a) paragraph (a) thereof extended to any alteration or renewal which is notifiable by virtue of this section; and

(b) paragraph (b) and not paragraph (c) thereof were applicable, notwithstanding that the ship is not a passenger steamer;

and the power of the Surveyor-General of Ships under that subsection to cancel such a certificate shall be exercisable also where the ship has not been submitted for survey as required by the cargo ship construction and survey rules."

26. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja seksyen 270, seksyen baru 270A yang berikut: ;Seksyen baru 270A.

"Prohibition on proceeding to sea without appropriate certificates in the case of cargo ships.

certificate and, if the ship is about to proceed on an international voyage, a corresponding exemption certificate; or

(c) such certificate or certificates as would be required if she were a passenger steamer,

applicable to the ship and to the voyage on which she is about to proceed,

(2) If any ship proceeds, or attempts to proceed, to sea in contravention of this section the owner or master of the ship shall be liable to a fine not exceeding ten thousand ringgit

(3) The master of every ship to which section 256s applies and which is registered in Malaysia shall produce to the Port Officer at the time a clearance for the ship is demanded the certificate or certificates required by subsection (1); and the clearance shall not be granted, and the ship may be detained, until the said certificate or certificates are so produced/".

27. Seksyen 271 Ordinan itu adalah dipinda—

Pindaan seksyen 271."

(a) dengan memasukkan, selepas sahaja perkataan-perkataan "shall apply" dalam subseksyen (1), perkataan-perkataan ", subject to any modification made by virtue of paragraph (b) of section 256B(3),";

(a) dengan memasukkan, selepas sahaja perkataan-perkataan "registered in the Federation" dalam

subseksyen (4), perkataan-perkataan ", except a certificate issued under section 268A,";

(c) dengan menggantikan perkataan "person" yang mula-mula sekali terdapat dalam subseksyen (6) dengan perkataan-perkataan "public officer";

(d) dengan memasukkan, selepas sahaja nombor seksyen "267" dalam subseksyen (9), perkataan-perkataan ", or paragraph (a) of section 268A(2)," dan memotong perkataan-perkataan "or under paragraph (a) of section 4(2) of the Merchant Shipping (Amendment) Act, 1965" dalam subseksyen itu; dan

(e) dengan memasukkan, selepas sahaja subseksyen (9), subseksyen baru (10) yang berikut:

"(10) The Minister may make rules to prescribe the fees to be paid in respect of any certificate issued, or any extension of any certificate granted, under this Part."

Seksyen
baru 274A.

28. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja seksyen 274, seksyen baru 274A yang berikut:

274A. Where there is produced in respect of a ship not registered in Malaysia—

(a) an accepted Safety Convention certificate equivalent to a cargo ship safety construction certificate; or

(b) accepted Safety Convention certificates equivalent respectively to a qualified cargo ship safety construction certificate and to a corresponding exemption certificate,

the ship shall be exempt from the cargo ship construction and survey rules."

Pindaan
seksyen 284.

29. Seksyen 284 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "section 3 of the Merchant Shipping (Amendment) Act, 1965," dan perkataan-perkataan "section 4 of the Merchant Shipping

(Amendment) Act, 1965" dalam perenggan (*b*) subseksyen (4) masing-masingnya dengan perkataan-perkataan "section 256e of this Ordinance" dan perkataan-perkataan "section 268A of this Ordinance".

30. Ordinan itu adalah dipinda dengan memotong seksyen 285 dan Jadual Ketujuh.

Pemotongan seksyen 285 dan Jadual Ketujuh

31. Seksyen 286 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "home-trade and local trade" dalam subseksyen (1) dengan perkataan-perkataan "near-coastal trade".

Pindaan seksyen 286.

32. Seksyen 289 Ordinan itu adalah dipinda—

Pindaan seksyen 289.

(*a*) dengan memotong perkataan-perkataan ", British, Malayan or foreign," dalam subseksyen (1);

(*b*) dengan menggantikan perkataan-perkataan "one thousand" dan "one hundred" dalam subseksyen (2) masing-masingnya dengan perkataan-perkataan "ten thousand" dan "one thousand"; dan

(*c*) dengan menggantikan subseksyen (3) dengan yang berikut:

"(3) For the purpose of this Part "dangerous goods" means—

(*a*) aquafortis, vitriol, naphtha, benzine, gunpowder, lucifer matches, nitro-glycerine and petroleum;

(*h*) any explosives within the meaning of any written law in force in the Federation relating to explosives;

(*c*) any goods which by reason of their nature, quantity or mode of stowage are liable, either singly or collectively, to endanger the lives of persons on or near any ship, or to imperil any ship; and

(*d*) any other goods which may be declared to be dangerous goods by rules made or, as the

case may be, having application under section 293."

- Pindaan seksyen 290. 33. Seksyen 290 Ordinan itu adalah dipinda—
- (a) dengan memotong perkataan-perkataan ", British, Malayan or foreign,"; dan
- (d) dengan menggantikan perkataan-perkataan "five thousand" dan "six months" masing-masingnya dengan perkataan-perkataan "twenty thousand" dan "two years".
- Pindaan seksyen 291. 34. Seksyen 291 Ordinan itu adalah dipinda dengan memotong perkataan-perkataan ", British, Malayan or foreign," dalam subseksyen (1) dan (2).
- Pindaan seksyen 292. 35. Seksyen 292 Ordinan itu adalah dipinda dengan memotong perkataan-perkataan ", British, Malayan or foreign," dalam subseksyen (1).
- Penggantian seksyen 293. 36. Ordinan itu adalah dipinda dengan menggantikan seksyen 293 dengan yang berikut:
- "Carriage of dangerous goods. 293. (1) The Minister may make rules for regulating in the interests of safety the carriage of dangerous goods in ships to which this section applies.
- (2) This section applies to—
- (a) all Malaysian ships whether such ships ply on an international voyage or not;
- (b) all other ships while they are within any port in Malaysia, or are embarking or disembarking passengers within the territorial waters of Malaysia, or are loading or discharging cargo or fuel within those waters.
- (3) Rules made under subsection (1) may prescribe such certificates as may be necessary for the purposes of the rules and may prescribe the fees payable in respect of such certificates.

(4) Until rules are made under subsection (1), the rules made from time to time under the Merchant Shipping Acts with respect to the carriage of dangerous goods shall apply to ships to which this section applies.

(5) If any of the rules made under subsection (1) or, as the case may be, having application under subsection (4), is not complied with in relation to any ship to which the rule applies, the person specified in the rules as being guilty of an offence for the non-compliance or, if no person is so specified, the owner or master of the ship shall be liable in respect of each offence to a fine not exceeding fifteen thousand ringgit or such lesser amount as may be prescribed in the rules for the offence, and the ship shall be deemed for the purposes of this Part to be unsafe by reason of improper loading."

37. Seksyen 297 Ordinan itu adalah dipinda—

Pindaan
seksyen 297.

- (a) dengan memotong perkataan-perkataan ", British, Malayan or foreign," dalam subseksyen (1);
- (b) dengan memasukkan, di antara perkataan-perkataan "Federation" dengan "unless" dalam subseksyen (1), perkataan-perkataan ", and no Malaysian ship so laden shall proceed from or arrive at atiy port or place in any country';
- (c) dengan menggantikan perkataan-perkataan "three thousand" dalam subseksyen (2) dengan perkataan-perkataan "fifteen thousand";
- (d) dengan menggantikan perkataan-perkataan "with regulations" dan semua perkataan yang berikutnya dalam subseksyen (3) dengan perkataan-perkataan "in all respects with any provisions approved by the Minister as respects the loading in question other than regulations made under this subsection"; dan

(e) dengan menggantikan subseksyen (6) dengan yang berikut:

"(6) In this section the expression "grain" includes wheat, maize or corn, oats, rye, barley, rice, pulses and seeds, and processed forms thereof whose behaviour is similar to that of grain in its natural state."

Seksyen
baru 299A.

38. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja seksyen 299, sebelum tajuk "*Unseaworthy Ships*", tajuk dan seksyen baru 299A yang berikut:

Nuclear Ships

Nuclear
ship
regulations.

299A. The Minister may make regulations with respect to ships provided with nuclear power plants for the purpose of enabling effect to be given to the provisions of Chapter VIII of the Annex to the Safety Convention."

Seksyen
baru 299B.

39. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja seksyen baru 299A, sebelum tajuk "*Unseaworthy Slap*" tajuk dan seksyen baru 299B yang berikut:

"

Transitional Regulations

Power
to make
transitional
regulations.

299n The Minister may make regulations to provide that for such purposes, for such a period and subject to such conditions as may be specified by or under the regulations—

- (a) any country which, immediately before the commencement of this section, was a country to which the International Convention for the Safety of Life at Sea 1960 applied shall be treated for the purposes of this Ordinance as if it were a country to which the Safety Convention applies; and
- (b) any certificate which, immediately before the commencement of this section, was an accepted Safety Convention certificate within the meaning then of this Ordinance

may be treated as if it were an accepted Safety Convention certificate within the meaning presently of this Ordinance."

40. Seksyen 305 Ordinan itu adalah dipinda dengan memotong subseksyen (2). Pindaan seksyen 305.

41. Ordinan itu adalah dipinda dengan memasukkan dalam Bahagian V, selepas sahaja seksyen 306, tajuk dan seksyen baru 306A yang berikut: Seksyen baru 306A.

Supplernental

Countries to which Safety Convention applies. 306A. The Minister, if satisfied—

(a) that the government of a country has accepted, or denounced, the Safety Convention; or

(b) that the Safety Convention extends, or has ceased to extend, to any territory,

may by order make a declaration to that effect".

42. Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja Bahagian V, Bahagian baru VA yang berikut yang hendaklah terpakai di seluruh Malaysia: Bahagian baru VA.

PART VA

POLLUTION FROM SHIPS

Application 306B. (1) This Part shall, unless the context otherwise requires, apply to—

- (a) registered Malaysian ships;
- (b) vessels licensed under this Ordinance or under the Merchant Shipping Ordinance 1960 of Sabah or Sarawak;
- (c) foreign ships while in Malaysian waters;
- (d) pleasure crafts in Malaysian waters;
- (e) fishing vessels; and
- (f) such vessels or class of vessels as the Minister may prescribe.
- Sabah Ord. 11160.
Sarawak. Ord 2160*

(2) This Part shall not, unless the context otherwise requires, apply to—

- (a) ships of war and troopships; or
- (b) Government yessels.

Definition. 306c, (1) For the purposes of this Part and the rules made thereunder, unless it is expressly provided otherwise—

"authorised officer" includes any Surveyor of Ships, port officer and any person authorised by the Director of Marine;

"discharge" means any release of oil or harmful substances from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying, but does not include—

- (i) release of harmful substances or chemicals for purposes of legitimate scientific research into pollution abatement or control; or
- (ii) dumping within the meaning of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972, or dumping with the consent of the Government;

"harmful substance" means any substance which, if introduced into the sea, is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;

"Malaysian coast" includes the coast of any island forming part of Malaysia and the shores of any internal waters, being tidal waters of Malaysia or of such an island;

"Malaysian waters" means the territorial waters of Malaysia;

"Malaysian reef" means a reef in Malaysian waters;

"oil" means any persistent or non-persistent hydrocarbon mineral oil in any form, including any mixture with any oil content, whether carried on board a ship as cargo in bulk or in the bunkers of the ship;

"oily mixture" means a mixture with any oil content;

"owner" includes a charterer or operator of a ship;

"ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushioned vehicles, submersibles, floating crafts and fixed or floating platforms.

(2) Where oil or harmful substance has been, is being or is likely to be discharged, intentionally or otherwise, from a ship, the discharge or likely discharge of the oil or harmful substance from the ship shall, for the purposes of this Part, be deemed to be an escape or likely escape of oil or harmful substance from the ship.

Powers of
Director
of Marine

306o. (1) Where oil or harmful substance is escaping from, or where the Director of Marine is satisfied that oil or harmful substance is likely to escape from, a ship, then, for the purpose of preventing or reducing the extent of the pollution or likely pollution by the oil or harmful substance of any Malaysian waters, any part of the Malaysian coast or any Malaysian reef, the Director of Marine, in consultation with the Director-General of Environmental Quality, may, by notice in writing addressed to the owner of the ship and served in accordance with section 306E, do all or any of the following:

(a) require such action to be taken in relation to the ship or its cargo as is specified in the notice;

- (b) prohibit the removal of the ship from a place specified in the notice except with his approval;
- (c) prohibit the removal from the ship of any cargo, or any cargo specified in the notice, except with his approval.

(2) The Director of Marine shall specify in the notice under subsection (1) the time by which the action required to be taken is to be accomplished.

(3) Without prejudice to the generality of paragraph (a) of subsection (1), the action that the Director of Marine may require to be taken includes—

- (a) action to prevent the escape of oil or harmful substance from the ship;
- (b) the removal of oil or harmful substance from the ship, or a specified part of the ship, in such manner, if any, as is specified by the Director of Marine to such place, if any, as is so specified; and
- (c) the removal of the ship to a place specified by the Director of Marine.

(4) Nothing in this section shall be construed as preventing the service under subsection (1) of more than one notice in respect of a ship.

(5) Where a notice has been served under subsection (1), including a notice that has been varied under this subsection, the Director of Marine may, by further notice in writing addressed to the owner of the ship and served in accordance with section 306E, revoke or vary the earlier notice, and where such notice has been varied, it shall have effect from the date of service of the variation.

(6) This section applies to a ship registered in Malaysia and to a foreign ship which is in Malaysian waters.

Service
of notice.

306E. Service of a notice under section 306D in respect of a ship shall be effected by—

- (a) serving it personally on the owner of the ship or, if the owner is a body corporate, on a director, secretary or other officer of the body corporate; or
- (b) serving it personally on the agent of the ship or, if the agent is a company, on a director, secretary or other officer of the company; or
- (c) serving it personally on the master of the ship or, if for any reason, including the absence of the master from the ship, it is not practicable to do so, by handing it to any person on board the ship who appears to be in charge of the ship; or
- (d) serving it on the person who appears to be in charge of the salvage operations in the case of a ship in the possession of a salvor.

Offence.

306r. (1) Where—

- (a) a notice under subsection (1) of section 306D is served; and
- (b) a requirement specified in the notice under paragraph (a) of that subsection is not complied with before the time specified in the notice,

the owner and master shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit in respect of each period of twenty-four hours within the default period as defined in subsection (3):

Provided that the Minister may prescribe a lower fine in accordance with the amount of oil or harmful substance carried by the ship.

(2) Where—

- (a) a notice under subsection (1) of section 306o is served; and

(b) a prohibition specified in the notice under paragraph (b) or (c) of that subsection is contravened,

the owner and master of the ship shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand ringgit.

(3) In subsection (1), "default period" means the period commencing from the time when the requirement was to have been complied with as specified in the notice and ending at the time when the requirement was complied with or, if the owner of the ship proves that, after a particular time, compliance with the requirement was not possible or compliance with the requirement would not have prevented oil or harmful substance escaping from the ship, that last-mentioned time.

(4) Where any person is charged for any offence against this Part it shall be a defence to prove that the discharge or failure to comply with a notice was caused for the purpose of securing the safety of the ship or for the purpose of saving life but the defence shall not operate if the court is satisfied that the discharge or non-compliance was not necessary for the alleged purpose or was not a reasonable step to take in the circumstances.

Powers of
Director
of Marine
in cases
of non-
compliance
with notice.

306o. (1) Where a requirement specified in a notice served under section 306D is not complied with, the Director of Marine may, whether or not the owner or master of the ship has been convicted of an offence against this Part by reason of the requirement not having been complied with, cause such things to be done as he thinks proper for the carrying out of the action required by the notice.

(2) Where a notice under subsection (1) of section 306D is served and—

- (a) a requirement specified in the notice is not complied with or a prohibition specified in the notice is contravened; and
- (b) oil or harmful substance escapes from the ship by reason of the requirement not having been complied with or by reason of the prohibition having been contravened,

the Director of Marine may, whether or not the owner or master of the ship has been convicted of an offence against this Part by reason of the requirement not having been complied with or the prohibition having been contravened, cause such things to be done as he thinks proper to prevent or reduce the extent of the pollution by the oil or harmful substance of any Malaysian waters, any part of the Malaysian coast or any Malaysian reef, or to remove or reduce the effects of the pollution by the oil or harmful substance of any such waters, coast or reef.

(3) Any expense or other liability incurred by the Director of Marine in, or by reason of, the exercise of his powers under subsection (1) or (2)—

- (a) shall be a debt due to the Government by, and may be recovered by the Government from, the owner of the ship; and
- (b) shall be a charge upon the ship which, except as provided otherwise in international law or in any international agreement to which Malaysia is a party, may be detained by a person authorised by the Director of Marine and may be so detained until the amount is paid or security for the payment of the amount is provided to the satisfaction of the Director of Marine.

(4) For the purposes of paragraph (b) of subsection (3) the word "ship" includes every article or thing or collection of things being or forming part of the tackle, equipment, cargo, stores or ballast of the ship.

Escape of oil or harmful substance from two or more ships.

306H. Where oil or harmful substance has escaped or is likely to escape from two or more ships and it is not reasonably practicable to identify the oil or harmful substance that has escaped from a particular ship, then all the oil or harmful substance that has escaped from those ships shall, for the purposes of this Part, be deemed to have escaped from each of those ships:

Provided that the Government shall not, by virtue of this section, be entitled to recover from the owners of those ships amounts that, in the aggregate, exceed the total amount of the expenses and liabilities incurred by the Director of Marine in the exercise of his powers under this Part.

Action to be taken in case of marine casualty.

306I. (1) Where as a result of a maritime casualty or in consequence of any act resulting therefrom, there is or is likely to be, in the opinion of the Director of Marine, an escape of oil or harmful substance or any other threat of pollution to Malaysian waters, any Malaysian coast or Malaysian reef, the Director of Marine, in consultation with the Director-General of Environmental Quality, may take such actions as he deems necessary and issue the notice under the provisions of section 306o,

(2) If in the opinion of the Director of Marine the actions taken and the notice issued under subsection (1) are ineffective to prevent, reduce or eliminate the pollution or threat of pollution, the Director of Marine may, after giving due consideration to the rights of the flag state, any

third state or any other person having an interest in the ship—

- (a) direct that measures be taken to sink or destroy the ship or cargo or any part thereof"; or
- (b) direct the taking over of control of the ship.

(3) For the purposes of this Part, the term "maritime casualty" means any event where a ship—

- (a) has been abandoned or is not in command; or
- (b) has received any material damage causing or likely to cause a discharge; or
- (c) has been stranded; or
- (d) has experienced any occurrence on board which results in the escape of oil or harmful substance or which, in the opinion of the Director of Marine, may result in the escape of oil or harmful substance or which causes pollution to Malaysian waters, any Malaysian coast or Malaysian reef.

Report of
maritime
casualty.

306J. (1) The master of a ship in Malaysian waters which experiences a maritime casualty as defined in section 306i or which has discharged any oil or harmful substance shall report such incident to—

- (a) the port officer, within twenty-four hours or as soon as possible, where the ship is in a port;
- (b) the Director of Marine, as soon as possible, where the ship is outside a port.

(2) The report required by subsection (1) shall be made in writing or by telex or other means of radio communication:

Provided that where a report is made by verbal radio communication, it shall be followed up in writing or by telex as soon as possible.

(3) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand ringgit.

Powers of
Minister.

306K. (1) The Minister may make such rules as he considers necessary or expedient to provide for the carriage or storage of oil or harmful substance at sea, the control of pollution from ships and for matters connected therewith, and without prejudice to the generality of such powers may make rules for—

- (a) the design, construction, subdivision and alteration of ships, their equipment, machinery and electrical installations;
- (b) the inspection and survey of ships, their hull, machinery, equipment and installations;
- (c) the form, issue, validity, duration and extension of certificates or exemption certificates;
- (d) the storage, carriage, loading and discharging of oil or harmful substance as cargo, fuel or store;
- (e) prescribing a list of harmful substances;
- (f) the method and level of discharge of oil or harmful substance by ships into the sea, where permitted;
- (g) the cleaning or washing of tanks or other compartments or parts of a ship;
- (h) the form and maintenance of an oil or harmful substance record book and its production for inspection as and when required;
- (i) prescribing fees for anything to be done or permitted to be done under the rules;
- (j) the implementation in whole or in part of any international convention, code or resolution relating to marine pollution or

any matter incidental thereto or connected therewith;

- (k) the exemption of a ship or a class of ships from any requirement under this Part;
- (l) prescribing the authority for the issue of certificates prescribed under this Part;
- (m) prescribing the form and manner in which a ship which has suffered a maritime casualty is required to report;
- (n) such other matters as are necessary or expedient for carrying out the purposes of this Part.

(2) Any person who contravenes any such rule shall, where no other penalty is provided, be liable on conviction to a fine not exceeding ten thousand ringgit or to imprisonment for a term not exceeding one year or to both."

43. Seksyen 309 Ordinan itu adalah dipinda dengan memasukkan, selepas sahaja subseksyen (3), subseksyen baru (4) yang berikut: Pindaan seksyen 309.

"(4) Rules made under subsection (1)—

- (a) may provide for any surveys or inspections under the rules to be undertaken by persons appointed by such organisations as may be specified in the rules;
- (b) may prescribe the fees that shall be paid in respect of surveys and inspections carried out under the rules; and
- (c) may, in the case of surveys and inspections carried out by persons appointed by organisations specified in the rules, provide for fees to be payable to those persons or organisations."

44. Seksyen 315 Ordinan itu adalah dipinda—

- (a) dengan memasukkan, selepas sahaja subseksyen (2), subseksyen baru (2A) yang berikut: Pindaan seksyen 315.

"(2A) In prescribing the fees under subsection (1) the Minister may provide for the fees to be

payable to a person authorised under subsection (2) in relation to a certificate issued by such person."; dan

- (b) dengan menggantikan perkataan "person" yang mula-mula sekali terdapat dalam subseksyen (3) dengan perkataan-perkataan "public officer".

Seksyen
baru 331A.

45. Ordinan itu adalah dipinda dengan memasukkan dalam Bahagian VI, selepas sahaja seksyen 331, seksyen baru 331A yang berikut:

"Countnes
to which
Load Line
Convention
applies.

33 1A. The Minister, if satisfied—

(a) that the government of a country has ratified or acceded to, or denounced, the Load Line Convention; or

(b) that the Load Line Convention has been applied, or has ceased to apply, to any territory,

may by order make a declaration to that effect."

Penggantian
seksyen 332.

46. Ordinan itu adalah dipinda dengan menggantikan seksyen 332 dengan yang berikut:

"Shipping
casualties

332. For the purpose of inquiries and investigations under this Part a shipping casualty shall be deemed to occur—

(a) when on or near the coasts of the Federation any ship is lost, abandoned or materially damaged;

(b) when on or near the coasts of the Federation any ship has been stranded or damaged;

(c) when on or near the coasts of the Federation any ship causes loss or material damage to any other ship or to any property;

(d) when any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of the Federation;

- (e) when in any place any such loss, abandonment, material damage or casualty as above-mentioned occurs, and any witness is found in the Federation;
- (f) when in any place any loss, abandonment, material damage or casualty occurs to any Malaysian ship or any Malaysian ship is stranded or damaged;
- (g) when any Malaysian ship is lost or is supposed to have been lost."

47. Seksyen 333 Ordinan itu adalah dipinda dengan menggantikan takrif "the holder of a local certificate" dengan yang berikut: Pindaan seksyen 333.

' "the holder of a local certificate" means the holder of any certificate granted under this Ordinance;'

48. Seksyen 335 Ordinan itu adalah dipinda dengan menggantikan perkataan-perkataan "that part of Her Majesty's dominions" dalam proviso kepada subseksyen (1) dengan perkataan-perkataan "the country". Pindaan seksyen 335.

49. Ordinan itu adalah dipinda dengan menggantikan Bahagian IX dengan Bahagian yang berikut: Penggantian Bahagian IX.

"PART IX

LIABILITY OF SHIPOWNERS

Inter-pretation and application. 358. (1) In this Part—
 "Convention" means the International Convention relating to the limitation of the liability of owners of sea-going ships signed in Brussels on the 10th October 1957;

"Convention country" means any country in respect of which the Convention is in force, including any country to which the Convention extends by virtue of article 14 thereof; and for the purpose of this definition an order made by the Minister declaring a country to be a Convention country shall be conclusive

evidence that that country is a Convention country;

"Malaysian ship" means any ship registered or licensed under this Ordinance;

"owner" includes the charterer to whom a ship is demised and any owner, builder or other party interested in any ship built at any place in Malaysia and also includes—

- (a) where it occurs in section 359, every person whose liability is excluded by subsections (2) and (3); and
- (b) elsewhere, except in the second place where it occurs in section 364, every person whose liability is limited by subsections (2) and (3);

"relevant port"—

- (a) in relation to any claim, means the port where the event giving rise to the claim occurred or, if that event did not occur in a port, the first port of call after the event occurred; and
- (b) in relation to a claim for loss of life or personal injury or for damage to cargo, includes the port of disembarkation or discharge;

"ship" includes any structure, whether completed or in the course of construction, launched and intended for use in navigation as a ship or part of a ship.

(2) The person whose liability in connection with a ship is excluded or limited by this Part shall include any charterer and any person interested in or in possession of the ship, and in particular, any manager or operator of the ship.

(3) In relation to a claim arising from the act or omission of any person in his capacity as master or member of the crew, or otherwise than in that capacity, in the course of his employment

as a servant of the owners or of any such person as is mentioned in subsection (2)—

- (a) the person whose liability is excluded or limited as aforesaid shall also include the master, member of the crew or servant and, in the case where the master or member of the crew is the servant of a person whose liability would not be excluded or limited apart from this paragraph, the person whose servant he is; and
- (b) the liability of the master, member of the crew or servant himself shall be excluded or limited as aforesaid notwithstanding his actual fault or privity in that capacity, except in the cases mentioned in paragraph (b) of section 359.

(4) This Part shall apply to any ship qualified to be registered as a Malaysian ship notwithstanding that it has not yet been registered.

Limitation
of
shipowner's
liability in
certain
cases of
loss of or
damage to
goods.

359. The owner of a Malaysian ship, or any share therein, shall not be liable to make good to any extent whatever any loss or damage happening without his actual fault or privity in the following cases:

- (a) where any goods, merchandise or other thing whatsoever taken in or put on board his ship are lost or damaged by reason of fire on board the ship; or
- (b) where any gold, silver, diamonds, watches, jewels or precious stones taken in or put on board his ship, the true nature and value of which have not at the time of shipment been declared by the owner or shipper thereof to the owner or master of the ship in the bills of lading or otherwise in writing, are lost or damaged by reason of any robbery, theft, breach of trust or misappropriation thereof.

Limitation
of owner's
liability
in certain
cases of
loss of
life,
injury or
damage.

360. (1) The owner of a Malaysian or foreign ship shall not, where all or any of the following occurrences take place without his actual fault or privity, namely:

- (a) where any loss of life or personal injury is caused to any person being carried in the ship;
- (b) where any damage or loss is caused to any goods, merchandise or other things whatsoever on board the ship;
- (c) where any loss of life or personal injury is caused to any person not carried in the ship through the act of any person, whether on board the ship or not, in the navigation or management of the ship, or in the loading, carriage or discharge of her cargo, or in the embarkation, carriage or disembarkation of her passengers, or through any other act of any person on board the ship; or
- (d) where any loss or damage is caused to any property, other than any property mentioned in paragraph (b), or any rights are infringed through the act of any person, whether on board the ship or not, in the navigation or management of the ship, or in the loading, carriage or discharge of her cargo, or in the embarkation, carriage or disembarkation of her passengers, or through any other act of any person on board the ship,

be liable to damages beyond the following amounts:

- (aa) in respect of loss of life or personal injury, either alone or together with such loss, damage or infringement as is mentioned in paragraphs (b) and (d), an aggregate amount not exceeding an amount equivalent to three thousand one hundred gold francs for each ton of the ship's tonnage; and

(bb) *in* respect of such loss, damage or infringement as is mentioned in paragraphs (b) and (d), whether there is in addition loss of life or personal injury or not, an aggregate amount not exceeding an amount equivalent to one thousand gold francs for each ton of the ship's tonnage.

(2) For the purposes of this section—

- (a) a gold franc shall be taken to be a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred;
- (b) the Minister may from time to time by order to be published in the *Gazette* specify the amount equivalent to three thousand one hundred gold francs and one thousand gold francs;
- (c) the tonnage of a Malaysian ship, other than a sailing ship, shall be her registered tonnage with the addition of any engine room space deducted for the purpose of ascertaining that tonnage;
- (d) the tonnage of a Malaysian sailing ship shall be her registered or licensed tonnage;
- (e) where a ship built at any port or place in Malaysia but not registered or licensed under this Ordinance or the law of any other country, or a foreign ship, has been or can be measured according to Malaysian law, her tonnage as ascertained by that measurement shall be deemed to be her tonnage;
- (f) where a ship built at any port or place in Malaysia but not registered or licensed under this Ordinance or the law of any other country, or a foreign ship, has not been and cannot be measured according to Malaysian law, the Surveyor General shall, on receiving from or by the direction

of the Court hearing the case in which the tonnage of the ship is in question such evidence concerning the dimensions of the ship as it is practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of the ship if she had been duly measured according to Malaysian law, and the tonnage so stated in that certificate shall for the purposes of this section be deemed to be the tonnage of the ship;

- (g) the tonnage of any structure included in the definition of the expression "ship" by virtue of subsection (1) of section 358 shall, for the purposes of this Part, be ascertained as provided in this subsection for a foreign ship; and
- (h) in the case of paragraph (aa) of subsection (1), a ship of less than three hundred tons shall be deemed to be a ship of three hundred tons.

(3) The limits set by this section to the liabilities mentioned therein shall apply to the aggregate of such liabilities which are incurred on any distinct occasion without regard to any liability incurred on another occasion.

(4) The application of this section to any liability shall not be excluded by reason only that the occurrence giving rise to the liability was not due to the negligence of any person.

(5) Nothing in this section shall apply to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property or infringement of any right of a person who is on board or employed in connection with the ship under a contract of service with all or any of the persons whose liabilities are limited by this section, if that contract is governed by the law of any country outside Malaysia and that law

either does not set any limit to that liability or sets a limit exceeding that set to it by this section.

Release
of ship, etc.

361. (1) Where a ship or other property is arrested in connection with a claim which appears to the Court to be founded on a liability to which a limit is set by section 360, or security is given to prevent or obtain release from such an arrest, the Court may, and in the circumstances mentioned in subsection (3) shall, order the release of the ship, property or security if the conditions specified in subsection (2) are satisfied; but where the release is ordered, the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the Court to adjudicate on the claim.

(2) The conditions referred to in subsection (1) are:

(a) that security which in the opinion of the Court is satisfactory (in this section referred to as "guarantee") has previously been given, whether in Malaysia or elsewhere, in respect of such liability or any other liability incurred on the same occasion, and the Court is satisfied that, if the claim is established, the amount for which the guarantee was given, or such part thereof as corresponds to the claim, will be actually available to the claimant; and

(b) that either the guarantee is for an amount not less than such limit or further security is given which, together with the guarantee, is for an amount not less than that limit,

(3) The circumstances mentioned in subsection (1) are that the guarantee was given in a port which, in relation to the claim, is the relevant port (or, as the case may be, a relevant port) and that that port is in a Convention country.

- (4) For the purposes of this section—
- (a) a guarantee given by the giving of security in more than one country shall be deemed to have been given in the country in which security was last given;
 - (b) any question whether the amount of any security is either by itself or together with any other amount not less than any limit set by section 360 shall be decided as at the time at which the security is given; and
 - (c) where part only of the amount for which a guarantee was given will be available to a claimant, that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1).

Restriction on enforcement after giving of security.

362. (1) No judgement or decree for a claim founded on a liability to which a limit is set by section 360 shall be enforced, except so far as it is for costs, if security for an amount not less than that limit has been given, whether in Malaysia or elsewhere, in respect of the liability or any other liability incurred on the same occasion and the Court is of opinion that the security is satisfactory and is satisfied that the amount for which it was given, or such part thereof as corresponds to the claim, will be actually available to the person in whose favour the judgment or decree was given or made.

- (2) For the purposes of this section —
- (a) any question whether the amount of any security is not less than any limit set by section 360 shall be decided as at the time at which the security is given; and

(b) where part only of the amount for which security has been given will be available to the person in whose favour the judgement or decree was given or made that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1).

Power of
Court to
consoli-
date claims
against
owners, etc.

363. (1) Where any liability is alleged to have been incurred by the owner of a Malaysian or foreign ship in respect of any occurrence in respect of which his liability is limited under section 360, and several claims are made or apprehended in respect of that liability, then the owner may apply to the High Court, and that Court may determine the amount of the owner's liability, and may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other court in relation to the same matter, and may proceed in such manner and subject to such directions as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the Court thinks just.

(2) In making any distribution in accordance with this section the Court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims that may later be established before a court in any country outside Malaysia.

(3) No lien or other right in respect of any ship or property shall affect the proportions in which, under this section, any amount is distributed amongst several claimants.

Part owners to account in respect of damages. 364. All sums paid for or on account of any loss or damage in respect whereof the liability of owners is limited under this Part, and all costs incurred in relation thereto, may be brought into account among part owners of the same ship in the same manner as money disbursed for the use thereof.

Insurances of certain risks not invalid. 365. An insurance effected against the happening, without the owner's fault or privity, of any or all of the events in respect of which the liability of owners is limited under this Part shall not be invalid by reason of the nature of the risk.

Proof of passengers on board ship. 365A. In any proceeding under this Part against the owner of a ship or share therein with respect to loss of life, the passenger lists under Part IV of this Ordinance shall be received as evidence that the person upon whose death proceedings are taken under this Part was a passenger on board the ship at the time of death."

Penggantian seksyen 381.

50. Ordinan itu adalah dipinda dengan menggantikan seksyen 381 dengan yang berikut:

"Removal of wreck by receiver. 381. (1) Where any ship is sunk, stranded or abandoned in any port, navigable river, tidal waters or in any place within Malaysian waters in such manner as, in the opinion of the receiver, to be or likely to become an obstruction or danger to navigation or a public nuisance or to cause inconvenience, the receiver may either—

(a) take possession of, and raise, remove or destroy, the whole or any part of the ship;

(b) light or buoy any such ship or part until the raising, removal or destruction thereof;

(c) sell, in such manner as he thinks fit, any ship or part so raised or removed and also any other property recovered in the exercise of his powers under this section,

and, out of the proceeds of the sale, reimburse himself for the expenses incurred by him in relation thereto under this section, and the receiver shall hold the surplus, if any, of the proceeds in trust for the persons entitled thereto; and

(d) take all necessary measures to prevent pollution from the ship;

or alternatively—

(e) consent to the owner or master of the ship taking such action under paragraphs (a) to (d) as the receiver thinks fit; and

(f) require the owner or master to furnish security in such reasonable amount as the receiver may consider necessary for the purpose of ensuring the performance of all actions which the owner or master has agreed to undertake,

(2) Apart from the proceeds of any sale carried out by the receiver pursuant to paragraph (c) of subsection (1), the receiver may also resort to the security furnished under paragraph (f) to reimburse himself and if the proceeds of sale together with any security are insufficient to cover the costs incurred by the receiver when acting under paragraphs (a) to (d) of subsection (1), he may recover the difference from the owner or master of the ship concerned."

51. Seksyen 445 Ordinan itu adalah dipinda—

Pindaan
seksyen 445.

(a) dengan menomborkan semula perenggan (s) subseksyen (1) sebagai perenggan (u)

(b) dengan memasukkan, selepas sahaja perenggan (r) subseksyen (1), perenggan-perenggan baru (s) dan (t) yang berikut:

"(s) ensuring the provision in the port of facilities for the reception of—

(i) oily residues and oily mixtures;

- (ii) residues and mixtures containing harmful substances;
 - (iii) residues and mixtures containing noxious liquid substances;
 - (iv) sewage; and
 - (v) garbage;
- (t) requiring vessels to discharge all residues and mixtures containing oil, or containing harmful substances, or containing noxious liquid substances, sewage or garbage, which remain on board, for disposal to the reception facilities before entering or leaving the port;" ; dan

(c) dengan menggantikan perkataan-perkataan "one hundred dollars" dalam subseksyen (2) dengan perkataan-perkataan "ten thousand ringgit or to imprisonment for a term not exceeding one year or to both."

Pindaan
seksyen 477.

52. Seksyen 477 Ordinan itu adalah dipinda—

(a) dengan menggantikan subseksyen (1) dengan yang berikut:

"(1) Every licence issued shall be valid for a period not exceeding twelve months from the date of issue." ; dan

(b) dengan menggantikan perkataan-perkataan "one hundred" dalam subseksyen (3) dengan perkataan-perkataan "one thousand".

Pindaan
seksyen 492.

53. Seksyen 492 Ordinan itu adalah dipinda dengan memotong perkataan-perkataan ", provided that no Magistrate's Court shall, except where the context otherwise requires, try any such offence which is punishable with a fine exceeding five hundred dollars, or with imprisonment of either description for a term which may exceed six months".

Pindaan-
pindaan
pelbagai:
penalti-
penalti.

54. Ordinan itu adalah dipinda—

(a) dengan menggantikan perkataan "five" dalam seksyen 211(2) dengan perkataan "fifty";

- (b) dengan menggantikan perkataan-perkataan "one hundred" dalam seksyen 218(2) dengan perkataan-perkataan "one thousand";
- (c) dengan menggantikan perkataan-perkataan "one hundred" dalam seksyen 219(2) dengan perkataan-perkataan "five hundred";
- (d) dengan menggantikan perkataan-perkataan "one thousand" dan "two hundred" dalam seksyen 219(3) masing-masingnya dengan perkataan-perkataan "five thousand" dan "one thousand";
- (e) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 220 dengan perkataan-perkataan "ten thousand" dan memasukkan, di hujung seksyen itu, perkataan-perkataan "or to both";
- (f) dengan menggantikan perkataan-perkataan "one thousand" dan "six months" dalam seksyen 221 masing-masingnya dengan perkataan-perkataan "ten thousand" dan "two years";
- (g) dengan menggantikan perkataan-perkataan "one thousand" dan "five hundred" dalam seksyen 223(4) masing-masingnya dengan perkataan-perkataan "five thousand" dan "three thousand";
- (h) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 224 dengan perkataan-perkataan "five thousand";
- (i) dengan menggantikan perkataan-perkataan "twenty" dalam seksyen 225(1) dengan perkataan-perkataan "five hundred";
- (j) dengan menggantikan perkataan-perkataan "two hundred" dalam seksyen 225(2) dan (4) dengan perkataan-perkataan "two thousand";
- (k) dengan menggantikan perkataan-perkataan "two hundred and fifty" dan "one month" dalam seksyen 227(4) masing-masingnya dengan perkataan-perkataan "five thousand" dan "six months";

- (l) dengan menggantikan perkataan-perkataan "ten" dalam seksyen 230(1) dengan perkataan-perkataan "one hundred";
- (m) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 231(2) dengan perkataan-perkataan "five thousand" dan memasukkan, di hujung seksyen itu, perkataan-perkataan "or to imprisonment for a term not exceeding one year or to both";
- (n) dengan menggantikan perkataan-perkataan "five hundred" dan "ten" dalam seksyen 232(2) masing-masingnya dengan perkataan-perkataan "five thousand" dan "one hundred";
- (o) dengan menggantikan perkataan-perkataan "two hundred" dalam seksyen 233(2) dengan perkataan-perkataan "one thousand";
- (p) dengan menggantikan perkataan-perkataan "five thousand" dalam seksyen 234(2) dengan perkataan-perkataan "ten thousand" dan memasukkan, di hujung seksyen itu, perkataan-perkataan "or to imprisonment for a term not exceeding one year or to both";
- (q) dengan menggantikan perkataan-perkataan "five hundred" dalam seksyen 235 dengan perkataan-perkataan "five thousand";
- (r) dengan menggantikan perkataan-perkataan "two hundred" dan "twenty" dalam seksyen 237(1) masing-masingnya dengan perkataan-perkataan "five thousand" dan "three hundred";
- (s) dengan menggantikan perkataan-perkataan "one hundred" dan "one month" dalam seksyen 238 masing-masingnya dengan perkataan-perkataan "one thousand" dan "six months";
- (t) dengan menggantikan perkataan-perkataan "two hundred and fifty" dan "three months" dalam seksyen 239 masing-masingnya dengan perkataan-perkataan "five thousand" dan "six months";

- (u) dengan menggantikan perkataan-perkataan "five hundred" dalam seksyen 240(1) dengan perkataan-perkataan "five thousand";
- (v) dengan menggantikan perkataan-perkataan "one thousand five hundred" dalam seksyen 240(4) dengan perkataan-perkataan "ten thousand";
- (w) dengan menggantikan perkataan-perkataan "one hundred" dan "ten" dalam seksyen 248(2) masing-masingnya dengan perkataan-perkataan "one thousand" dan "one hundred";
- (x) dengan menggantikan perkataan-perkataan "one hundred" dalam seksyen 251(2) dengan perkataan-perkataan "one thousand";
- (y) dengan menggantikan perkataan-perkataan "one hundred" dalam seksyen 252(3) dengan perkataan-perkataan "ten thousand";
- (z) dengan menggantikan perkataan-perkataan "two hundred" dalam seksyen 253(2) dengan perkataan-perkataan "five thousand";
- (aa) dengan menggantikan perkataan-perkataan "five hundred" dalam seksyen 254(2) dengan perkataan-perkataan "five thousand";
- (ab) dengan menggantikan perkataan-perkataan "five hundred" dalam seksyen 255(2) dengan perkataan-perkataan "five thousand";
- (ac) dengan menggantikan perkataan-perkataan "five hundred" dalam seksyen 256(2) dengan perkataan-perkataan "five thousand";
- (ad) dengan menggantikan perkataan-perkataan "one hundred"¹ dalam seksyen 259(3) dengan perkataan-perkataan "one thousand";
- (ae) dengan menggantikan perkataan-perkataan "one thousand" dan *'five hundred" dalam seksyen 260(1) masing-masingnya dengan perkataan-perkataan "ten thousand" dan "five thousand";
- (af) dengan menggantikan perkataan-perkataan "one hundred" dan "five thousand" dalam seksyen 262(7) masing-masingnya dengan perkataan-

perkataan "one thousand" dan "ten thousand" dan memotong perkataan-perkataan ", or if the offence is prosecuted before a Magistrate's Court, to a fine not exceeding one thousand dollars" dalam seksyen itu;

- (ag) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 264(3) dan (4) dengan perkataan-perkataan "ten thousand";
- (ah) dengan menggantikan perkataan-perkataan "one hundred" dalam seksyen 210(3)(a) dengan perkataan-perkataan "one thousand";
- (ai) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 210(3)(b) dengan perkataan-perkataan "ten thousand";
- (aj) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 270(6) dengan perkataan-perkataan "ten thousand";
- (ak) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 276(4) dengan perkataan-perkataan "ten thousand";
- (al) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 277(3) dengan perkataan-perkataan "ten thousand";
- (am) dengan menggantikan perkataan-perkataan "five hundred" dalam seksyen 278(2) dengan perkataan-perkataan "five thousand";
- (an) dengan menggantikan perkataan-perkataan "five hundred" dalam seksyen 279(2) dengan perkataan-perkataan "five thousand";
- (ao) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 280(5) dengan perkataan-perkataan "ten thousand";
- (ap) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 280(6) dengan perkataan-perkataan "five thousand";
- (aq) dengan menggantikan perkataan-perkataan "two hundred" dalam seksyen 283(2) dengan perkataan-perkataan "two thousand";

- (ar) dengan menggantikan perkataan-perkataan "one thousand" dan "five hundred" dalam seksyen 286(2) dengan perkataan-perkataan "five thousand";
- (as) dengan menggantikan perkataan-perkataan "one thousand" dalam seksyen 287 dengan perkataan-perkataan "ten thousand";
- (at) dengan menggantikan perkataan-perkataan "two hundred" dalam seksyen 288 dengan perkataan-perkataan "one thousand";
- (au) dengan menggantikan perkataan-perkataan "two hundred and fifty" dalam seksyen 295(3) dengan perkataan-perkataan "three thousand";
- (av) dengan menggantikan perkataan-perkataan "three thousand" dalam seksyen 298(2) dengan perkataan-perkataan "fifteen thousand";
- (aw) dengan menggantikan perkataan-perkataan "five thousand" dalam seksyen 300(4) dengan perkataan-perkataan "twenty thousand" dan memasukkan, di hujung seksyen itu, perkataan-perkataan "or to both"; dan
- (ax) dengan menggantikan perkataan-perkataan "twenty-five" dalam seksyen 485 dengan perkataan-perkataan "five hundred".

55. Akta Perkapalan Saudagar (Pindaan) 1966 dan Akta Perkapalan Saudagar (Pindaan) 1973 adalah dimansuhkan.

Pemansuhan
Akta 1511966
dan Akta
A212.

HURAIAN

Rang Undang-Undang ini bertujuan meminda Ordinan Perkapalan Saudagar 1952, antara lainnya untuk membolehkan pelaksanaan Konvensyen Antarabangsa bagi Keselamatan Nyawa di Laut yang ditandatangani di London pada 1hb November 1974 ("Konvensyen Keselamatan 1974"). Konvensyen Keselamatan 1974 menggantikan dan mengurungkan Konvensyen Antarabangsa bagi Keselamatan Nyawa di Laut yang ditandatangani di London pada 17hb Jun 1960 ("Konvensyen Keselamatan 1960") dan dilaksanakan oleh Malaysia melalui Akta Perkapalan Saudagar (Pindaan) 1966 (Akta 15 tahun 1966).

2. Kebanyakan daripada peruntukan Konvensyen Keselamatan 1974, yang telah berkembang daripada Konvensyen-Konvensyen Keselamatan sebelumnya, khususnya Konvensyen tahun 1960 dan 1948, sudahpun boleh dilaksanakan melalui peruntukan-peruntukan Akta Perkapalan Saudagar (Pindaan) 1966, yang melaksanakan Konvensyen Keselamatan 1960, dan juga melalui peruntukan-peruntukan Ordinan Perkapalan Saudagar 1952 yang melaksanakan Konvensyen sebelumnya. iaitu Konvensyen Keselamatan 1948. Dengan yang demikian, peruntukan-peruntukan yang diperlukan dalam Rang Undang-Undang ini untuk meminda Ordinan itu untuk melaksanakan Konvensyen Keselamatan 1974 adalah beberapa sahaja dan. bersama dengan pindaan-pindaan lain yang berhubungan dengan Konvensyen Keselamatan 1974, adalah seperti berikut:

- (a) *Fasal 2(g)*. Fasal ini bertujuan menggantikan takrif yang ada dalam seksyen 2 bagi "Safety Convention", yang merujuk kepada Konvensyen Keselamatan 1948, dengan takrif yang merujuk kepada Konvensyen Keselamatan 1974.
- (b) *Fasal 21*. Fasal ini bertujuan meminda seksyen 256A(1) yang memberi kuasa kepada Menteri untuk membuat kaedah-kaedah pembinaan yang menetapkan kehendak-kehendak bagi badan, kelengkapan dan jentera kapal-kapal api penumpang. Menteri dikehendaki memasukkan ke dalam kaedah-kaedah demikian kehendak-kehendak yang melaksanakan peruntukan-peruntukan Konvensyen Keselamatan yang menetapkan kehendak-kehendak demikian. Pindaan itu akan membolehkan dan menghendaki supaya dibuat kaedah-kaedah untuk melaksanakan kehendak-kehendak Konvensyen Keselamatan 1974 tentang bahanapi yang digunakan dalam kapal-kapal api penumpang. Peruntukan yang bersamaan terdapat dalam seksyen baru 256B, sebagaimana disebut dalam perenggan 3(a)(i) di bawah.
- (c) *Fasal 36*. Fasal ini bertujuan menggantikan seksyen 293, yang menerima-pakai kaedah-kaedah yang dibuat di bawah Akta-Akta Perkapalan Saudagar United Kingdom berkenaan dengan pengangkutan barangan berbahaya. Seksyen baru itu memberi kuasa kepada Menteri untuk membuat kaedah-kaedah bagi mengawalselia pengangkutan barangan berbahaya dalam kapal. Di bawah seksyen baru itu, kaedah-kaedah boleh dibuat untuk melaksanakan peruntukan-peruntukan yang relevan dalam Konvensyen Keselamatan 1974.
- (d) *Fasal 37*. Fasal ini bertujuan meminda seksyen 297, yang berkenaan dengan langkah berjaga-jaga yang kena diambil

untuk mencegah kargo bijirin yang dimuatkan dalam kapal daripada beralih.

- (i) Subseksyen (1) menjadikannya suatu kesalahan bagi mana-mana kapal yang dimuatkan dengan kargo bijirin berlepas dari atau tiba di mana-mana pelabuhan atau tempat dalam Persekutuan melainkan jika langkah berjaga-jaga telah diambil untuk mencegah kargo bijirin itu daripada beralih. Adalah dicadangkan (di bawah perenggan (b)) untuk meminda subseksyen itu supaya menjadikannya suatu kesalahan juga bagi sesuatu kapal Malaysia yang dimuatkan sedemikian berlepas dari atau tiba di mana-mana pelabuhan atau tempat di mana-mana negeri melainkan jika langkah berjaga-jaga demikian telah diambil.
 - (ii) Di bawah perenggan (c), penalti dalam subseksyen (2) ditingkatkan.
 - (iii) Subseksyen (3) menghendaki pematuhan kepada peraturan-peraturan yang dibuat oleh Menteri yang menetapkan langkah berjaga-jaga yang kena diambil untuk mencegah kargo bijirin daripada beralih, tetapi pematuhan demikian tidak perlu jika kapal itu dimuatkan mengikut peraturan-peraturan yang diluluskan oleh pihak berkuasa United Kingdom yang berkenaan atau dibina dan dimuatkan mengikut apa-apa pelan yang diluluskan olehnya. Adalah dicadangkan (di bawah perenggan (d)) untuk meminda subseksyen itu supaya menamatkan pergantungan kepada peraturan-peraturan dan pelan United Kingdom itu dan mengadakan sebagai ganti pergantungan kepada peruntukan-peruntukan yang diluluskan oleh Menteri berkenaan dengan pemuatan yang berkenaan selain daripada peraturan-peraturan yang dibuat di bawah subseksyen itu.
 - (iv) Adalah dicadangkan (di bawah perenggan (e)) untuk menggantikan takrif bagi "grain" dalam subseksyen (6) dengan takrif yang selaras dengan takrif dalam Konvensyen Keselamatan 1974.
- (e) *Fasal 38.* Pasal ini bertujuan memasukkan satu seksyen baru 299A yang memberi kuasa kepada Menteri untuk membuat peraturan-peraturan berkenaan dengan kapal-kapal yang dibekalkan dengan loji kuasa nuklear bagi maksud melaksanakan peruntukan-peruntukan yang relevan dalam Konvensyen Keselamatan 1974.
- (f) *Fasal 39.* Fasal ini bertujuan memasukkan satu seksyen baru 299e yang memberi kuasa kepada Menteri untuk membuat peraturan-peraturan untuk memperuntukkan

bahawa mana-mana negeri yang baginya Konvensyen Keselamatan 1960 terpakai hendaklah dianggap bagi maksud-maksud Ordinan itu seolah-olah ia adalah sebuah negeri yang baginya Korwensyen Keselamatan 1974 terpakai dan bahawa apa-apa perakuan yang diiktirafkan sebagai suatu perakuan Konvensyen Keselamatan di bawah Konvnsyen Keselamatan 1960 boleh dianggap sebagai suatu perakuan Konvensyen Keselamatan di bawah Konvensyen Keselamatan 1974.

- (g) *Fasal 41.* Pada masa ini takrif bagi "country to which the Safety Convention applies" dalam seksyen 2 merujuk kepada negeri-negeri dan wilayah-wilayah yang diisytiharkan oleh United Kingdom. *Fasal 41* bertujuan memasukkan satu seksyen baru 306A yang memberi kuasa kepada Menteri untuk mengisytiharkan negeri-negeri dan wilayah-wilayah demikian. Berbangkit daripada itu, takrif tersebut dalam seksyen 2 adalah dipinda oleh *fasal 2(c)* supaya takrif itu akan merujuk kepada sesuatu negeri atau wilayah yang diisytiharkan oleh Menteri di bawah seksyen baru 306A itu.

3. Akta Perkapalan Saudagar (Pindaan) 1966, yang berupa sebagai meminda Ordinan Perkapalan Saudagar 1952, antara lainnya untuk melaksanakan Korwensyen Keselamatan 1960, mengandungi peruntukan-peruntukan yang tidak menjadi sebahagian daripada teks Ordinan itu. Fasal-fasal tertentu dalam Rang Undang-Undang ini bertujuan mengkanunkan semula peruntukan-peruntukan itu ke dalam Ordinan itu, dengan perubahan-perubahan dan ubahsuaian-ubahsuaian yang perlu, supaya, sebagaimana halnya berkaitan dengan pindaan-pindaan lain sebelum dan selepas Akta 1966 itu, undang-undang perkapalan saudagar sebagaimana dipinda dari semasa ke semasa akan terus, selagi ianya menyenangkan, terkandung dalam satu teks tunggal. Fasal-fasal yang berkenaan adalah seperti berikut:

- (a) *Fasal 22.* Fasal ini bertujuan memasukkan satu seksyen baru 256s yang mengkanunkan semula seksyen 3 dan 8 Akta 1966 itu. Seksyen 3 Akta itu memberi kuasa kepada Menteri untuk membuat kaedah-kaedah pembinaan dan peninjauan kapal kargo berhubungan dengan kapal-kapal yang baginya seksyen itu terpakai, yang adalah ditakrifkan dalam subseksyen (3) seksyen 3 (sekarang subseksyen (4) seksyen baru 256n itu) sebagai kapal-kapal laut yang tidak kurang daripada 500 tan tanan kasarnya atau apa-apa tanan kurang daripada itu sebagaimana yang dinyatakan oleh Menteri, selain daripadakapal-kapal api penumpang, kapal-kapal pengangkut tentera, sekoci-sekoci peranginan, vesel-vesel penangkap ikan dan kapal-kapal yang tidak digerakkan dengan cara mekanikal. Seksyen 8 Akta 1966 itu memperuntukkan penalti bagi pelanggaran kaedah-kaedah itu dan mengadakan peruntukan bagi kuasa

memeriksa mana-mana kapal bagi maksud memastikan bahawa ia mematuhi kaedah-kaedah itu. Seksyen-seksyen itu dikanunkan semula dalam seksyen baru 256B itu deng;m perubahan-perubahan yang berikut:

- (i) Kuasa untuk membuat kaedah-kaedah pembinaan dan peninjauan kapal kargo sekarang meliputi kuasa untuk membuat kaedah-kaedah untuk menetapkan kehendak-kehendak bagi bahanapi yang digunakan dalam kapal-kapal yang baginya seksyen itu terpakai. Perubahan ini adalah bersamaan dengan perubahan yang dibuat berhubungan dengan kuasa untuk membuat kaedah-kaedah pembinaan bagi kapal-kapal penumpang dalatn seksyen 256A (disebut dalam perenggan 2(b) di aias).
 - (ii) Subseksyen (3) seksyen baru 256B itu ialah suatu peruntukan baru yang membolehkan kaedah-kaedah pembinaan dan peninjauan kapal kargo mengadakan peruntukan supaya peninjauan diusahakan oleh orang-orang yang dilantik oleh pertubuhan-pertubuhan tertentu, membuat ubahsuaian-ubahsuaian kepada peruntukan-peruntukan tertentu Ordinan itu dalam pemakaiannya bagi peninjauan yang diusahakan oleh orang-orang demikian, menetapkan fee-fee peninjauan dan membuat peruntukan supaya fee-fee itu boleh dibayar. dalam hal peninjauan yang dijalankan oleh orang-orang demikian, kepada mereka.
 - (iii) Subseksyen (5) seksyen baru 256B itu ialah suatu peruntukan baru yang memperuntukkan bahawa taknf bagi "declaration of survey" dalam seksyen 2, yang bermaksud perakuan oleh seseorang Pemeriksa Kapal (yang ialah seorang pegawai awam), tidak terpakai berhubungan dengan peninjauan yang dijalankan oleh selain daripada seorang Pemeriksa Kapal.
 - (iv) Penalti bagi melanggar kaedah-kaedah itu ditingkatkan daripada denda \$5,000.00, sebagaimana diperuntukkan sekarang dalam seksyen 8(1) Akta 1966 itu, kepada \$10,000.00, sebagaimana dalam subseksyen (6) seksyen baru 256B itu.
- (b) *Fasal 23.* Fasal ini bertujuan memasukkan satu seksyen baru 268A yang mengkanunkan semula seksyen 4 Akta 1966 itu, yang membuat peruntukan bagi pengeluaran perakuan-perakuan pembinaan keselamatan dan perakuan-perakuan pengecualian berkenaan dengan kapal-kapal yang baginya seksyen 3 Akta itu (sekarang seksyen baru 256(B) terpakai. Bagaimanapun, subseksyen (4) dan (7) seksyen 4, yang berhubungan dengan perlanjutan tempoh maksimum

lima tahun bagi perakuan-perakuan kepada maksimum enam tahun, tidak dibawa ke dalam seksyen baru 268A itu oleh kerana perlanjutan demikian adalah bertentangan dengan Konvensyen Keselamatan 1974.

- (c) *Fasal 25.* Fasal ini bertujuan memasukkan satu seksyen baru 269A yang mengkanunkan semula seksyen 5 Akta 1966 itu. Seksyen itu mempunyai kuatkuasa memperluaskan, dengan ubahsuaian-ubahsuaian tertentu, skop seksyen 269 Ordinan itu, yang menghendaki supaya notis diberi tentang perubahan-perubahan tertentu yang dibuat dalam sesuatu kapal api penumpang, kepada mana-mana kapal yang berkenaan dengannya apa-apa perakuan di bawah seksyen 4 Akta 1966 itu (sekarang seksyen baru 268A) berkuatkuasa.
- (d) *Fasal 26.* Pasal ini bertujuan mernasukkan satu seksyen baru 270A yang mengkanunkan semula seksyen 6 Akta 1966 itu. Seksyen itu melarang sesuatu kapal yang baginya seksyen 3 Akta 1966 itu (sekarang seksyen baru 256(B) terpakai daripada mara ke laut melainkan jika ada berkuatkuasa berkenaan dengan kapal itu perakuan-perakuan yang sesuai. Seksyen itu dikanunkan semula dengan perubahan-perubahan berikut:
- (i) Penalti kerana melanggar larangan itu ditingkatkan daripada denda \$1,000.00, sebagaimana diperuntukkan pada masa ini dalam seksyen 6(2) Akta 1966 itu, kepada \$10,000.00, sebagaimana dalam subseksyen (2) seksyen baru 270A itu.
 - (ii) Di bawah subseksyen (3) seksyen baru 270A itu, perakuan-perakuan yang sesuai yang dikehendaki supaya dikemukakan untuk mendapatkan pelepasan bagi sesuatu kapal hendaklah dikemukakan kepada Pegawai Pelabuhan dan tidak lagi, sebagaimana dalam subseksyen (3) seksyen 6 Akta 1966 itu, kepada pegawai kastam.
- (e) *Fasal 28.* Fasal ini bertujuan memasukkan satu seksyen baru 274A yang mengkanunkan semula seksyen 7 Akta 1966 itu. Seksyen itu mengecualikan daripada kaedah-kaedah pembinaan dan peninjauan kapal kargo kapal-kapal yang tidak didaftarkan di Malaysia yang mempunyai perakuan-perakuan Konvensyen Keselamatan yang diterima yang setara dengan perakuan-perakuan yang disebut dalam seksyen 4 Akta itu (sekarang seksyen baru 268A).

4. *Fasal 3* bertujuan meminda seksyen 10 Ordinan itu dengan memasukkan satu subseksyen baru (2A) yang memberi kuasa kepada Menteri untuk melantik, bagi maksud-maksud khas dan pada ketika-ketika khas, mana-mana orang, sama ada warganegara Malaysia atau

tidak, untuk melaksanakan apa-apa fungsi khusus Pemeriksa Kapal atau Pemeriksa Radio di bawah Ordinan itu di mana-mana tempat, sama ada di dalam atau di luar Malaysia. Satu lagi pindaan ialah untuk menghadkan dengan nyata kepada pegawai-pegawai awam perwakilan kuasa-kuasa Ketua Pemeriksa Kapal.

5. *Fasal 4* bertujuan meminda seksyen 18 Ordinan itu untuk memperuntukkan bahawa sebelum sesuatu kapal Malaysia didaftarkan, namanya hendaklah ditanda dengan huruf-huruf besar Rumi pada kapal itu. Pindaan ini akan mencegah penggunaan apa-apa skrip selain daripada huruf-huruf besar Rumi bagi maksud ini, kecuali jika kelulusan Pendafiar Besar telah diperolehi. Pindaan itu juga memberi kuasa kepada Pendaftar Besar untuk meluluskan nama-nama yang dicadangkan bagi kapal-kapal yang dicadangkan untuk didaftarkan.

6. *Fasal 5* bertujuan meminda seksyen 69 Ordinan itu supaya, antara lainnya, menghadkan pemakaian Bahagian III Ordinan itu bagi kapal-kapal Malaysia dan meluaskan skop pemakaian Bahagian itu bagi kapal-kapal sedemikian.

7. Seksyen 71 hingga 87 Ordinan itu memperkatakan soal pegawai-pegawai yang hendaklah diadakan bagi kelas-kelas kapal-kapal yang berlainan dan perakuan-perakuan yang dikehendaki dipegang oleh pegawai-pegawai itu. dan tentang perkara-perkara berhubungan dengan perakuan-perakuan itu. *Fasal 6* bertujuan memotong seksyen-seksyen itu dan *fasal 7* bertujuan memasukkan satu seksyen baru 71 yang memberi kuasa kepada Menteri untuk membuat kaedah-kaedah berkenaan dengan kelayakan-kelayakan pegawai-pegawai dan pelaut-pelaut kapal-kapal dan kehendak-kehendak tenaga manusia bagi kapal-kapal, supaya perkara-perkara yang diperkatakan oleh seksyen-seksyen yang dimansuhkan itu akan diperuntukkan pula oleh kaedah-kaedah. Perubahan ini adalah untuk memudahkan pelaksanaan dan pemuatan Konvensyen mengenai Standard-Standard Latihan, Perakuan-Perakuan dan Masa Berjaga bagi Pelayar-Pelayar Laut 1978 yang Malaysia sedang bersedia untuk menyertainya. Untuk matlamat itu, adalah juga perlu untuk mengelaskan semula dan mentakrifkan semula had-had pelayaran bagi kapal-kapal, dan kelas-kelas yang berhubungan bagi kapal-kapal. Ini dilakukan dalam *fasal 2(e)* dan (f), yang mempunyai kuatkuasa menggantikan "local-trade voyage" dan "home-trade voyage" dengan "near-coastal trade voyage", "local-trade ship" dan "home-trade ship" dengan "near-coastal trade ship", "local-trade passenger steamer" dan "home-trade passenger steamer" dengan "near-coastal trade passenger steamer", dan dalam *fasal 2(d)*, yang meminda takrif "foreign-going ship" dengan sewajarnya. *Fasal 8* hingga *14*, dan *fasal 16, 19, 26, 32* dan *48*, membuat pindaan-pindaan berbangkit bagi seksyen-seksyen lain.

8. *Fasal 15* bertujuan memotong subseksyen (6) seksyen 208 Ordinan itu yang mengecualikan daripada Ordinan itu pengangkutan penumpang-penumpang bangsa Asia dari Negeri China ke

Persekutuan dalam sesuatu kapal yang dibenarkan membuat pelayaran itu mengikut sesuatu perakuan yang dikeluarkan di bawah Akta Penumpang-Penumpang China 1855 United Kingdom. Subseksyen itu tidak perlu lagi.

9. Di bawah subseksyen (1) seksyen 236 Ordinan itu, kesalahan dilakukan jika sesuatu kapal api penumpang yang berulang-alik di, atau mengangkut penumpang-penumpang ke atau dari, mana-mana pelabuhan dalam Persekutuan ada di atasnya sebilangan penumpang yang lebih banyak daripada bilangan yang dibenarkan bagi kapal api itu. *Fasal 17* bertujuan meminda subseksyen itu supaya kesalahan akan juga dilakukan jika penumpang yang demikian bilangannya telah diterima naik ke atas mana-mana kapal api penumpang. Penalti bagi kesalahan itu ditingkatkan.

10. *Fasal 18* bertujuan meminda seksyen 244 Ordinan itu untuk memberi kuasa kepada Menteri untuk membuat kaedah-kaedah untuk menetapkan fee-fee yang kena dibayar berkenaan dengan embarkasi atau penurunan penumpang-penumpang. Penalti yang boleh diarahkan oleh Menteri kerana melanggar kaedah-kaedah itu ditingkatkan.

11. *Fasal 24* bertujuan meminda seksyen 269 Ordinan itu yang menghendaki tuan punya atau nakhoda sesuatu kapal api penumpang berperakuan supaya memberi notis tentang perubahan-perubahan kepada kapal itu dan kelengkapannya, Pindaan itu ialah untuk memindahkan kepada Ketua Pemeriksa Kapal kuasa Menteri di bawah subseksyen (4) untuk menghendaki sesuatu kapal itu ditinjau semula, dan juga untuk meningkatkan penalti bagi kegagalan mematuhi kehendak-kehendak seksyen itu tentang pemberian notis tentang perubahan-perubahan.

12. *Fasal 27* bertujuan meminda seksyen 271 Ordinan itu. Pindaan subseksyen (6) di bawah perenggan (c) ialah untuk memperuntukkan dengan nyata bahawa seseorang yang hendak diberikuasa menandatangani sesuatu perakuan berkenaan dengan sesuatu kapal bagi pihak Ketua Pemeriksa Kapal mestilah seorang pegawai awam. Subseksyen baru (10) di bawah perenggan (e) memberi kuasa kepada Menteri untuk membuat kaedah-kaedah untuk menetapkan fee-fee berkenaan dengan perakuan-perakuan dan perlanjutan-perlanjutannya di bawah Bahagian V Ordinan itu.

13. *Fasal 32* bertujuan meminda seksyen 289 Ordinan itu yang menetapkan syarat-syarat tertentu bagi pengangkutan barangan berbahaya. Di bawah perenggan (b), penalti bagi kegagalan mematuhi seksyen itu ditingkatkan dan di bawah perenggan (c) takrif bagi "dangerous goods" dalam subseksyen (3) seksyen 289 digantikan dengan takrif yang lebih luas.

14. Subseksyen (1) seksyen 305 Ordinan itu memakai peruntukan-peruntukan Bahagian V Ordinan itu berkenaan dengan penahanan

kapal-kapal bagi kapal-kapal asing yang tak selamat semasa berada dalam mana-mana pelabuhan dalam Persekutuan. Subseksyen (2) mengecualikan daripada pemakaian seksyen itu mana-mana kapal asing yang tidak menuju ke sesuatu pelabuhan Persekutuan yang datang ke dalam mana-mana pelabuhan Persekutuan bagi apa-apa maksud selain daripada maksud menaikkan atau mendaratkan penumpang-penumpang atau mengambil atau memunggh kargo atau mengambil bunker. *Fasal 40* bertujuan memotong subseksyen (2) tersebut supaya semua kapal asing yang tak selamat akan tertakluk kepada penahanan semasa berada dalam mana-mana pelabuhan dalam Persekutuan.

15. *Fasal 42* bertujuan memasukkan satu Bahagian VA baru berhubung dengan pencemaran dari kapal-kapal, mengandungi seksyen 306B hingga 306K, yang memperkatakan masalah kebocoran minyak dan bahan-bahan mudarat dari kapal-kapal. Peruntukan-peruntukan itu memberi kuasa-kuasa luas kepada Pengarah Laut untuk mengambil tindakan yang berkesan untuk mencegah atau mengurangkan takat pencemaran melalui kebocoran minyak atau apa-apa bahan mudarat. Dia boleh di bawah seksyen 306D mengeluarkan notis kepada tuan punya sesuatu kapal yang menghendaki supaya tindakan tertentu diambil atau melarang pengalihan kapal itu atau kargonya. Dia boleh juga di bawah seksyen 306C mengambil apa-apa tindakan perlu untuk mencegah atau mengurangkan takat pencemaran jika tindakan di bawah seksyen 306D tidak berkesan, dan perbelanjaan yang terlibat oleh tindakan demikian boleh dituntut daripada tuan punya kapal itu. Seksyen 306I memberi kuasa-kuasa luas kepada Pengarah Laut dalam kejadian sesuatu kemalangan kelautan, untuk mencegah, mengurangkan atau menghapuskan pencemaran dari kebocoran minyak atau bahan-bahan mudarat, termasuklah kuasa untuk mengarahkan supaya sesuatu kapal itu ditenggelam atau dimusnahkan. Seksyen 306k memberikan Menteri kuasa untuk membuat kaedah-kaedah yang meliputi bidang perkara-perkara yang luas yang berkaitan dengan pengangkutan atau penyimpanan minyak atau bahan-bahan mudarat di atas kapal.

16. *Fasal 43* bertujuan meminda seksyen 309 Ordinan itu supaya memberi kuasa kepada Menteri, apabila membuat kaedah-kaedah garis muatan di bawah seksyen itu, untuk memperuntukkan supaya peninjauan atau pemeriksaan di bawah kaedah-kaedah itu diusahakan oleh orang-orang yang dilantik oleh pertubuhan-pertubuhan yang dinyatakan, untuk menetapkan fee-fee berkenaan dengan peninjauan dan pemeriksaan di bawah kaedah-kaedah itu dan, jika peninjauan dan pemeriksaan dijalankan oleh orang-orang yang dilantik oleh sesuatu pertubuhan yang dinyatakan, untuk memperuntukkan supaya fee-fee itu boleh dibayar kepada orang-orang atau pertubuhan-pertubuhan itu.

17. Seksyen 315 Ordinan itu membua tperuntukan bagi pengeluaran, selepas mematuhi kehendak-kehendak peninjauan dan kehendak-

kehendak lain, perakuan-perakuan garis muatan berkenaan dengan kapal-kapal garis muatan yang didaftarkan dalam Persekutuan apabila dibayar fee yang ditetapkan oleh Menteri. Mengikut subseksyen (2), perakuan-perakuan itu akan dikeluarkan oleh Ketua Pemeriksa Kapal atau seseorang yang diberikuasa olehnya. Jika sesuatu perakuan itu dikeluarkan oleh Ketua Pemeriksa Kapal, ia boleh di bawah subseksyen (3) ditandatangani bagi pihaknya oleh mana-mana orang yang diberikuasa olehnya. *Fasal 44* bertujuan meminda seksyen 315 untuk memberi kuasa kepada Menteri, apabila menetapkan fee-fee, untuk memperuntukkan supaya fee-fee itu boleh dibayar kepada seseorang yang diberikuasa menurut subseksyen (2) berhubungan dengan perakuan-perakuan yang dikeluarkan olehnya. dan juga untuk memperuntukkan dengan nyata bahawa orang yang hendak diberikuasa di bawah subseksyen (3) untuk menandatangani perakuan-perakuan bagi pihak Ketua Pemeriksa Kapal mestilah seorang pegawai awam.

18. Pada masa ini takrif bagi "country to which the Load Line Convention applies" dalam seksyen 2 merujuk kepada negeri-negeri dan wilayah-wilayah yang diisytiharkan oleh United Kingdom. *Fasal 45* bertujuan memasukkan satu seksyen baru 331A yang memberi kuasa kepada Menteri untuk mengisytiharkan negeri-negeri dan wilayah-wilayah demikian. Berbangkit daripada itu, takrif tersebut dalam seksyen 2 adalah dipinda oleh *fasal 2(b)* supaya takrif itu akan merujuk kepada sesuatu negeri atau wilayah yang diisytiharkan oleh Menteri di bawah seksyen 331A.

19. Seksyen 332 Ordinan itu menetapkan hal-hal keadaan dalam mana, bagi maksud penyelidikan dan penyiasatan di bawah Bahagian VII Ordinan itu, sesuatu kemalangan perkapalan itu hendaklah disifatkan telah berlaku. Secara umumnya, di bawah seksyen itu sesuatu kemalangan perkapalan mestilah merupakan suatu kejadian dalam mana sesuatu kapal British atau Malaysia terlibat, maka walaupun kemalangan itu berlaku di atau berhampiran pantai-pantai Persekutuan, ia tidak disifatkan sebagai kemalangan perkapalan jika ia melibatkan kapal yang lain daripada kapal British atau kapal Malaysia. *Fasal 46* bertujuan menggantikan seksyen itu dengan peruntukan yang lebih luas. Seksyen baru itu berbeza daripada seksyen yang ada terutamanya dalam pemakaiannya bagi mana-mana kapal jika kemalangan berlaku di atau berhampiran pantai-pantai Persekutuan.

20. Proviso kepada subseksyen (1) seksyen 335 Ordinan itu melarang perlantikan sesuatu Mahkamah Penyiasatan bagi maksud mengadakan penyiasatan formal ke atas apa-apa kemalangan perkapalan yang berlaku kepada sesuatu kapal yang tidak didaftarkan dalam Persekutuan, kecuali dalam hal-hal keadaan yang tersebut dalam proviso itu. Satu daripada hal-hal keadaan itu ialah bahawa perlantikan Mahkamah itu diminta atau diizinkan oleh Kerajaan bagi bahagian dorninion British di mana kapal itu didaftarkan. *Fasal 48*

bertujuan meminda proviso itu supaya pengecualian yang berasaskan padapermintaan atau keizinan boleh terpakai bagi mana-mana negeri.

21. *Fasal 49* bertujuan menggantikan Bahagian IX Ordinan itu dengan Bahagian IX yang baru. Di bawah peruntukan-peruntukan yang ada dalam Bahagian IX sekarang ini, yang diasaskan pada Konvensyen tahun 1924 yang berhubungan dengan penghadan liabiliti pemunya-pemunya kapal, seseorang pemunya kapal boleh menghadkan liabilitinya dalam kes-kes kehilangan nyawa, kecederaan atau kerosakan yang tertentu jika liabiliti itu melebihi amaun-amaun yang ditetapkan dalam Bahagian itu. Amaun-amaun itu sudah tidak lagi sesuai. Bahagian IX baru yang dicadangkan ini, yang diasaskan pada Konvensyen tahun 1957, menetapkan amaun-amaun yang lebih tinggi. Pindaan-pindaan yang dicadangkan akan juga membantu menyeragamkan undang-undang yang berhubungan dengan penghadan liabiliti pemunya-pemunya kapal kerana Bahagian IX yang dicadangkan adalah hampir sama dengan undang-undang yang berhubungan dengan penghadan liabiliti pemunya-pemunya kapal yang berkuatkuasa di Sabah dan Sarawak.

22. *Fasal 50* bertujuan menggantikan seksyen 381. Subseksyen (1) seksyen 381 yang ada memberi kuasa kepada penerima kapal karam, antara lainnya, untuk mengambil milik, mengalih, menjual, atau memusnahkan sesuatu kapal karam dalam hal-hal keadaan tertentu. Di bawah seksyen baru 381 itu dia juga diberi kuasa untuk mengambil segala langkah perlu untuk mencegah pencemaran dari kapal itu dan dia dibenarkan, sebagai ganti bagi mengambil tindakan sendiri di bawah seksyen 381, mengizinkan tuan punya atau nakhoda kapal itu mengambil tindakan dan meminta jaminan untuk memastikan pelaksanaan segala tindakan yang tuan punya atau nakhoda itu telah bersetuju mengusahakan. Subseksyen (2) seksyen 381 yang ada menetapkan keperluan sekurang-kurangnya notis tujuh hari genap tentang sesuatu penjualan yang dicadangkan dan subseksyen (3) memperuntukkan bahawa tuan punya apa-apa harta yang hendak dijual adalah berhak, sebelum ianya dijual, mendapatkan supaya harta itu diserahkan kepadanya apabila dibayar nilai pasaran yang berpatutan baginya. Peruntukan-peruntukan ini telah ditinggalkan dari seksyen baru 381 itu.

23. *Fasal 51* bertujuan meminda seksyen 445 dengan memasukkan ke dalam subseksyen (1) dua perenggan baru yang akan membolehkan kaedah-kaedah pelabuhan dibuat untuk menjamin persediaan kemudahan-kemudahan untuk penerimaan sisa-sisa dan campuran-campuran minyak, sisa-sisa dan campuran-campuran yang mengandungi bahan-bahan mudarat atau bahan-bahan cecair beracun, air limbah dan kotoran, dan untuk menghendaki vesel-vebel supaya melepaskan bahan-bahan itu untuk pelupusan kepada kemudahan-kemudahan penerimaan sebelum memasuki atau meninggalkan pelabuhan. Penalti kerana melanggar kaedah-kaedah pelabuhan ditingkatkan.

24. *Fasal 52* bertujuan meminda seksyen 477 Ordinan. Di bawah seksyen 477(1) yang sedia ada, semua lesen bot habis tempoh pada 3 lhb Disember dalam tahun ia dikeluarkan. Dengan pindaan ini lesen-lesen yang dikeluarkan tidak perlu habis tempoh pada akhir tahun kalendar tetapi sah selama tempoh masa yang tidak melebihi dua belas bulan dari tarikh pengeluarannya. Di bawah perenggan (b) penalti kerana tidak melaporkan apa-apa perubahan pemunya dan nakhoda dinaikkan.

25. *Fasal 53* bertujuan meminda seksyen 492 Ordinan itu untuk membolehkan Mahkamah Majistret membicarakan apa-apa kesalahan di bawah Ordinan itu.

26. *Fasal 54* bertujuan meningkatkan penalti-penalti di bawah pelbagai seksyen Ordinan itu. Di mana-mana perlu meningkatkan penalti di bawah mana-mana seksyen lain yang dipinda dari sesuatu segi lain, pindaan tentang penalti itu dibuat di bawah fasal yang berkenaan.

27. *Fasal 55* ialah fasal pemansuhan. Akta Perkapalan Saudagar (Pindaan) 1973, yang belum lagi mula berkuatkuasa, dikehendaki supaya dimansuhkan oleh kerana perkembangan-perkembangan kemudiannya menjadikan pindaan-pindaan yang dibuat olehnya tidak perlu lagi.

28. Pindaan-pindaan lain yang tidak disebut khusus dalam Huraian ini adalah sama ada pindaan kecil atau pindaan berbangkit.

IMPLIKASI KEWANGAN

Rang Undang-Undang ini tidak akan melibatkan Kerajaan dalam apa-apa perbelanjaan kewangan tambahan. [PN. (U²) 1236.]